HUAC (30 Years Old) Gets Roses and A Brickbat, P. 3

The Truth About the Vietnamese War As Seen By Our Experts on China's Doorstep

"Hong Kong—Hope that an accommodation with Communist China might provide an alternative to either the present effort or a military escalation in South Vietnam is regarded as wildly optimistic by most China experts here. . . . Even if Peking chose to call off the war in Southeast Asia, it probably lacks influence in Hanoi and among the Vietcong. . . . Even with Chinese moral support and the limited supply of arms and men from North Vietnam, the struggle in the South has been and remains largely a native Communist rebellion. . . The analysts here believe that in the event a policy decision is taken to cautiously escalate the war . . . and even puts the U.S. in a strong enough position to negotiate for a settlement, the bargaining would have to be done primarily with Ho Chi Minh, not Mao Tse-tung. In fact, Ho with his inherent Vietnamese distrust and fear of the Chinese is probably the man we should be secretly feeling out now and perhaps already are."—*Richard Critchfield in the Washington Star, Dec. 3.*

I. F. Stone's Weekly

VOL. XII, NO. 42 DECEMBER 14, 1964 WASHINGTON, D. C. 15 CENTS

If Only Neshoba County Were In The Congo

If the U.S. felt as deeply about racist murders in Mississippi as it does about racist murders in the Congo, there is much it could do as a government and as a people. It would be utopian to expect paratroopers to be dropped on Jackson to protect Negroes endangered by a State virtually in rebellion as we dropped paratroopers on Stanleyville. It may not be possible even to force an impartial trial of the men arrested for the murders of the three martyred civil rights workers, Schwerner, Goodman and Chaney, a crime unpunished for six months, though the circumstances have been an open secret in the community, where their killing was cold-bloodedly arranged. But the Federal government, the Congress and the better conscience of the country have immediate means to act against the system of white supremacy which these murders, like countless forgotten others in the years since Reconstruction, were meant to enforce by naked terror. This is what could be done:

The Crime of 1890

The right of Mississippi's five Congressmen to their seats could be denied when Congress convenes next month until it has passed on the suits filed here a few days ago to contest their election. These suits call sharply to public attention for the first time in this generation that the State of Mississippi has been violating the conditions under which it was readmitted to the Union in 1870. One of those conditions was that the "Constitution of Mississippi shall never be so amended or changed as to deprive any citizen or class of citizen of the United States of the right to vote who are entitled to vote by the constitution herein recognized." The words are those of the 1870 statute readmitting Mississippi to the Union. The constitution "herein recognized" was that of 1869 which granted the vote to all male inhabitants 21 or over who had resided in Mississippi for six months and were not insane. Since 1890, when there were 70,000 more registered Negro voters than whites in Mississippi, the State has embarked on a series of discriminatory election law changes which have reduced the number of registered Negro voters from 189,884 in 1890 to 23,801 in 1961. There could not be a clearer case of electoral fraud and racial oppression.

In three of the five Congressional districts, the seats are contested by three candidates of the Mississippi Freedom Party, Fannie Lou Hamer, Victoria Gray and Annie Devine. They claim that the elections held by their party were the only ones which conform to the non-discriminatory standards established by Congress when Mississippi was readmitted to the Union. Four years ago, in the election contest of *Roush* v. *Chambers,* the House by resolution refused to allow Chambers to take the oath of office though certified by the Indiana Secretary of State. Both men were given pay as Congressmen, office space and the privileges of the floor until the Subcommittee on Privileges and Elections had reported and the House acted, when the contestant Roush was awarded the seat. There could be no better rebuke to the racist atmosphere which condones the killings of the martyred three than the passage of a similar "in all fairness" resolution when Congress convenes giving these three brave Negro women the privilege of the floor until their challenges have been decided. The effect, the world over, would be electric as a symbol of America's determination to see racial justice done.

The liberal "Study Group" in the House, which hopes to see its number increase to 175 with the new session, should

(Continued On Page Four)

Detente Preferred to MLF

We hope that on the eve of the Johnson-Wilson talks the White House noted two developments imperfectly covered in the U. S. press. One is the rising opposition in Congress to MLF: the latest dissents were those of Sen. McGovern and Reps. Brademas and Reuss—these two on their return from Europe reported even the Germans privately lukewarm to MLF. The other was the action taken by the Western European Union, the "Parliament of NATO." Its resolution for a European nuclear force, which our press represented as an endorsement of MLF, was passed only after all reference to MLF in it had been excluded; even then the vote was only 37 to 15 with 9 abstentions. But a resolution unreported here calling on the NATO powers "to make east-west arms control and the normalization of relations between European powers the overriding aims of their foreign and defense policies" (London Times, Dec. 3) was passed unanimously. The W.E.U. preferred detente to MLF.

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Former FCC Official Says It Promotes Instead of Regulating Telephone Monopoly

Break-Up of A.T. & T. Super-Giant (Into 35 Little Giants) Urged

For almost two-thirds of a century the government has tried to prevent the American Telephone and Telegraph Co. from monopolizing the nation's telecommunications. So far it has failed. A.T.&T. has become the world's largest corporation (*see box at right*) and is now about to put its only remaining nationwide competitor, Western Union, out of business. This prospect caused the Federal Communications Commission in 1962 to order a Domestic Telegraph Investigation. At hearings last month, Prof. Dallas Smythe, formerly Chief Economist for the FCC and now at Saskatchewan University, proposed a "final solution" to the A.T.&T. problem. He would break it into 30 to 35 separate pieces. Each of its regional companies would become independent. So would Bell Telephone Laboratories, A.T.&T.'s long distance operations, and Western Electric, which manufactures 90% of U.S. telephone equipment. Average total assets of the independent units would be approximately $800 million each!

AT&T = U.S. Steel + GM + Esso (N.J.)

"Bell System revenues in 1959 were larger than the combined national public revenues of Canada and Sweden. They were $2 billion larger than the combined national public revenues of Denmark, Norway, Sweden and Finland. They were $2 billion larger than the public revenues of Italy. . . . . To equal the total assets of the Bell System at the end of 1959, it would be necessary to add together the total assets of Standard Oil of New Jersey, General Motors and the U.S. Steel Corporation."

—Prof. Dallas Smythe, before the FCC, Nov. 4.

The Pentagon Speaks Up For A.T.&T.

This was heresy. A.T.&T.'s counsel urged that it be stricken from the record. Within the space of a few moments he managed to call it "scurrilous," "vituperative," "unsupported," "irrelevant," "unwarranted," "irresponsible," "frivolous," "abusive," and "defamatory." The Defense Department's spokesman supported the A.T.&T. objection. Smythe's testimony, he said, was "a discussion of law by a non-expert." We recollect a similar favor in 1956: A.T.&T. was permitted to ghost-write the letter that Secretary of Defense Wilson sent to the Justice Department recommending that A.T.&T. not be divested of control over Western Electric, a favorite defense contractor.

Smythe has been the only witness so far to recommend dissolution of the Bell System. Not too long ago such ideas were commonplace. Pres. Wilson's Postmaster General recommended public ownership of the entire telephone and telegraph industry. Congressional committees had reported favorably on the idea no less than 17 times. Instead the Justice Department chose to compromise. It required A.T.&T. only to divest itself of Western Union stock with the implicit understanding that it would stay out of the telegraph business. Today 42% of domestic telegraph revenue goes to A.T.&T.

The Hoover Commission reported in 1948 that "any real regulation of the telephone industry continues to remain a matter of statutory hope." Smythe's testimony shows how little has changed since then. The FCC, despite much congressional criticism, still sets most A.T.&T. rates on the basis of informal negotiations. All other federal regulatory agencies hold formal rate hearings. FCC officials conceded to *The New York Times* November 26 that "the negotiation procedure might yield slightly higher rates than those that could be established by a unilateral order." Smythe, who examined a transcript of the 1961-63 meetings, was more blunt. The Commission's attitude, he said, "is one of deference bordering on collaboration." The meetings are private. Industry presents its own witnesses, examines them, cross-examines Commission witnesses, if there are any, and calls rebuttal witnesses. "The telephone rate payers," he said, "get a species of star chamber treatment."

Sloppy regulation has permitted A.T.&T. to subsidize its expansion into the telegraph business at the expense of telephone users. This, Smythe said, can be seen from a comparison of earnings: a 10.7% return on private line telephone business but less than 2% on private line telegraph. This loss-leader pricing long went unnoticed by the Commission because it looked only at A.T.&T.'s overall rate of return, about 8%. The cost to the consumer of this and similar monopoly practices has never been adequately measured. It is impossible to know, for example, the price of telephone equipment in a competitive market when Western Electric has eliminated all competition. Since it controls Western Electric, A.T.&T. has little interest in reduced equipment prices; it can pass the cost on to the consumer. The abortive antitrust prosecution in 1949 to separate Western and A.T.&T. concluded with the three participating federal agencies (Defense, Justice and FCC) all recommending the position taken by A.T.&.T. That leaves only Prof. Smythe, and the American Communications Assoc. for which he spoke, representing the public.

Latest Cut In Telephone Rates Still $50 Million Less Than FCC Staff Recommended

The FCC's order for a $100 million cut in A.T.&T.'s long distance telephone rates will do more for the agency's public image than for the public itself. The inadequacy of the reduction has been pointed out in The Wash. Daily News (Dec. 1) by Rice Odell, the only Washington reporter who seems to speak critically of A.T.&T. The cut is supposed to lower A.T.&T.'s rate of return to 7 per cent, but the FCC's staff has repeatedly suggested that a 6.5 per cent return is adequate. The difference: $50 million a year.

It seems doubtful, Odell wrote, that the reduction will lower A.T.&T.'s earning even to 7 per cent. Normal growth in demand and the decreasing cost of electronic equipment have frustrated past attempts to reduce returns to this point. In 1963 the Commission ordered a similarly large reduction but earnings remained at 7.5 per cent. Twelve months later they were at 7.7 per cent and today are at 8 per cent or more. In 1959 the Commission ordered a $50 million rate reduction that also was expected to bring the earnings level down to 7 per cent. Instead, earnings were at a record 7.9 per cent in 1959.

As mild as the reduction was the reaction of Mr. Kappel, A.T.&T.'s Chairman. "The Commission has now insisted on rate reductions larger than we think justified," he said. But he offered, magnanimously, not to appeal the decision.

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After 30 Years, Isn't It Time To Abolish This Excrescence on A Free Society?

WSP Slyly Sends Flowers, and 100 Leading Lawyers A Brickbat, to HUAC

Anyone watching Channel 5 Sunday night Dec. 6 and hearing former President Truman describe the Un-American Activities Committee again as "the most un-American committee in the government" might have imagined it a thing of the past, linked as it was in that "Great Moments" show with a line of similar horrors back to the Salem witch hunt. But next morning there it was on Capitol Hill still in business. It had subpoenaed Dagmar Wilson and Donna Allen of Women's Strike for Peace and Russell Nixon of the *National Guardian*. Object: what happened when the two women visited the State Dept. in Nov. 1963 to urge an entry visa for Prof. K. Yasui, of the Japan Council Against the A and H Bomb. Yasui's subsequent lecture tour was sponsored by the *Guardian*.

You Can't Be Too Careful

After an all-day wrangle in which the witnesses refused to testify except in public session and the subcommittee* threatened contempt proceedings, it turned out that this was to be the tenth in a series of secret hearings begun last February to investigate "whether certain executive agencies of the government [Justice and State] in permitting by special waiver the entrance into the U.S. of aliens inadmissible under the Immigration and Nationality Act [i.e. persons suspected of Communism] are acting in accord with the security interests of the United States." The two women peace leaders later told reporters they were subpoenaed because they were the only two to go in person to the State Department to ask a visa for Yasui. The target of the investigation this time is not Women's Strike for Peace or the *Guardian* but State, a department HUAC (like McCarthy before it) regards with suspicion. It's just safer for discreet citizens not to go there.

Last time HUAC had Dagmar Wilson before it, the Committee didn't do so well. This time it wanted to hear her first in private. The executive session, in the long history of the witch hunt, has usually served not as a way of protecting witnesses but the committee. It provides a dress rehearsal. The three witnesses by refusing to testify except in open session put the committee on the spot since any contempt action must be filed before the year end. With Congress out of session, this requires action by the Speaker, McCormack. There ought to be pressure on him to refuse, especially since he and the late Congressman Dickstein of New York launched this monstrosity on its career just 30 years ago as the Dickstein-McCormack committee to investigate un-American propaganda. It was aimed at the Nazis but soon turned, in the hands of Dies of Texas, into an anti-New Deal smear factory.

While Women's Strike for Peace, with sly and subversive femininity, flooded the hearing room and the corridors outside with flowers wired from all over the country (roses were individually offered to each subcommittee member but patriotically rejected), 100 constitutional lawyers hurled a formidable brickbat at HUAC: a petition (see box below) calling for its abolition. Thurman Arnold and Henry Steele Commager were among the distinguished signers. The time to act is when Congress reconvenes.

*** Two lame-ducks defeated in the last election, Johansen (R. Mich.), and Bruce (R. Ind.). The other two were Ichord and Poole (D. Tex.) who chaired the hearing.**

Heart of the Abolition Petition

"The Committee on Un-American Activities . . . has attempted to create in the legislative branch a permanent institution, consisting of staff, files, informants and similar machinery, designed to serve as a bureaucratic Big Brother to censor the opinions and associations of American citizens. . . .

"We do not suggest the abandonment of all legislative machinery for investigation of matters pertaining to legislation necessary for assuring internal security. . . . Adequate authority for these purposes is already vested in . . . the Committee of the Judiciary (which) . . . now has jurisdiction over 'bankruptcy, mutiny, espionage and counterfeiting.' . . . In the event members of the House feel that the authority of the Committee should be clarified, however, this can readily be accomplished by amendment. In order to avoid perpetuation of the problems noted previously, such an amendment should make clear that the Judiciary Committee has power to investigate overt actions but not 'propaganda' or other forms of expression or association. . . .

"There remains the question of disposing of the files of the Committee on Un-American Activities . . . containing miscellaneous and often inaccurate data about millions of citizens. . . . Self-respecting citizens of a democratic country cannot allow their representatives in government to keep dossiers on their beliefs, ideas, political views or associations. . . . We recommend that the files be transferred to the Archives, not to be open for official or public inspection for 50 years."

—Petition for abolition of HUAC.

Swedish Double Agent Says We Began Mapping Soviet Bomb Targets 10 Years Before U-2

Some fresh revelations about the cold war were inadvertently supplied by the Senate Internal Security Committee in translating and releasing the testimony of Col. Stig Wennerstroem, recently convicted as a Soviet agent in Sweden. The testimony discloses that he began his spying activity as a U.S. agent with "a feeling of sympathy for NATO and an antipathy for the Soviet Union." The occasion for the shift in sympathies, he explained, "was that it became quite clear in my mind that the Soviet intelligence service was purely defensively oriented, while the American one was offensively oriented."

Wennerstroem testified that the U.S. began sending reconnaissance planes over the Soviet Union ten years before the U-2 spy-plane incident of 1960. The purpose "was to obtain information on bombing targets." He said the operation also made use of tourists inside Russia. When Soviet air defenses developed the range to hit these earlier spy planes, the U.S. resorted to higher-flying and unmanned balloons.

The Wennerstroem transcript also threw new light on the U.S. planes shot down along the East German border, the latest one last March. U.S. officials said they had strayed accidentally into East German territory. Wennerstroem testified they were using special radio equipment to contact secret agents inside Russia. The altitude permitted communication at longer distances than from the ground.

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For 40 Days MFDP Counsel May Do What Justice Dept. Should Be Doing

(Continued From Page One)

declare this its No. 1 Battle. It will make a mistake if it limits itself to an attack on the seniority and party privileges of Mississippi's John Bell Williams and South Carolina's Albert W. Watson for having supported Goldwater. The White House is reported ready to forget and forgive such peccadilloes; if this is true, it will pull the rug out from under the liberals. But the issue of the Mississippi elections can be fought independently of the White House. Though the elections subcommittee is chaired by Ashmore of South Carolina and all but one of its Democrats is a Southerner, it must submit a recommendation to the House. If sufficient pressure is generated, it can be forced to hold hearings on the evidence which will be submitted to it. Under the rules governing such contests, the seats will remain in doubt at least until next July. By then the Supreme Court will have heard and may have decided the case of *U. S.* v. *Mississippi* in which the Justice Department is asking that all the discriminatory voter laws enacted by Mississippi since 1890 be declared unconstitutional. The laws attacked in the election contests are the same ones attacked by the government in its suit. This offers the House liberals powerful leverage.

A Hitherto Unused Weapon

Whatever the liberal Congressmen do, the election laws give the Mississippi Freedom Democratic Party a novel weapon. Within 40 days of the filing (Dec. 3-4), the Congressmen must furnish their answers. Within the period of 40 days from *their* answer, which will begin in January, attorneys for those bringing the challenges are empowered by law to issue subpoenas and take sworn testimony from anyone in Mississippi who has information bearing on the alleged illegality of the elections. During that period volunteer teams of counsel can do what the Department of Justice and the Civil Rights Commission ought to be doing. The challenges rest in part on acts of terror to discourage the voter registration drive. Many of these are alleged against Mississippi law enforcement officers themselves. Such acts are a clear violation of the Federal civil rights laws even as most narrowly construed, and the interrogations should lay the basis not only for a successful election contest but for Federal prosecutions. Wm. Kunstler and Arthur Kinoy, counsel for the MFDP, have already served notice on the Attorney General and the Civil Rights Commission of their plans and asked that observers be assigned to go with these teams of lawyers, to pave the way for prosecution where warranted. During those 40 days much can be accomplished if enough volunteers and funds can be mustered. A memorial fund to the Martyred Three is being established thus to attack the racially stacked electoral system they fought against at the expense of their lives. (The MFDP's Washington headquarters, for the memorial fund and volunteers, is at 1353 U Street, Northwest).

Those whose consciences are stirred may also by letter and otherwise bring pressure directly upon the White House (1) to make sure that the FBI and Federal marshals provide protection to the lawyer-teams in the election challenge and (2) speed up action under the new regulations for withholding Federal funds from communities which practice segregation. This is what Mississippi most fears.

Bulletin Board

We hope California readers will give utmost support to the students at Berkeley; college students willing to fight for free speech and association are all too rare on today's campuses. . . . We deplore the resignation of Ronald Hilton as director of the Hispanic American Report at Stanford and the end of this irreplaceable source of information on hemispheric affairs. Hilton was the first to expose the training camps in Guatemala for the Bay of Pigs invasion; his was an independent and sympathetic Latin American scholarship all too rare in the U.S. . . . A distinguished reader, Erwin Panofsky of Princeton, asks us to correct the error in the Nov. 30 issue which referred to Pius XI when Pius IX was meant. We regret the injustice to a Pope, "I and many other scholars of my generation," Dr. Panofsky writes, "fondly remember as Mons. Achille Ratti, the kindly and ever helpful prefect of the Ambrosian Library in Milan." . . . We salute the death at 80 in Philadelphia of David Levinson, a lawyer who fought all his life long for justice to the oppressed.

For the Way to Peace in Southeast Asia See IFS in the New York Review of Books Dec. 17 (250 W. 57th St. NYC 35c).

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NEWSPAPER

I. F. Stone's Weekly. Second Class Postage Paid at Washington, D. C. Published every Monday except the last week in December and the first week in January and Bi-Weekly during July and August at 5618 Nebraska Ave., N.W., Washington, D. C. An independent weekly published and edited by I. F. Stone; Circulation Manager, Esther M. Stone. Subscription: $5 in the U.S.; $6 in Canada; $10 elsewhere. Air Mail rates: $15 to Europe; $20 to Israel, Asia and Africa.

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